



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, MNSD, MNDC, FF

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 11, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$12,947.81, and a request for recovery of the filing fee. The applicant had also requested an order to retain the full security deposit towards the claim, however at the hearing she withdrew that portion of the claim as she wishes to have the security deposit remain in place until the tenant vacates.

Background and Evidence

The applicant testified that:

- This tenancy began on March 15, 2011 with a monthly rent of \$2750.00.
- The tenant has failed to pay any rent for the months of June 2012, July 2012, and August 2012.
- A Notice to End Tenancy for non-payment of rent was posted on the tenant's door on July 11, 2012, and was also mailed by registered mail on that same date.
- To date the tenant has failed to comply with that notice.

- The tenant has also failed to pay the water bills at the rental property which were her responsibility under the tenancy agreement.
- The tenant has also failed to pay bank fees for 4 cheques that were not honoured by the bank.
- The tenant has also broken a window at the rental property that will have to be repaired.

The applicant is therefore requesting an order as follows:

June 2012 rent outstanding	\$2750.00
July 2012 rent outstanding	\$2750.00
August 2012 rent outstanding	\$2750.00
1 st water bill outstanding	\$664.87
2 nd water bill outstanding	\$333.51
3 rd water bill outstanding	\$254.05
4 th water bill outstanding	\$217.74
Bank charges \$7.00 X 4	\$28.00
Broken window	\$375.00
Filing fee	\$100.00
Total	\$10223.17

Analysis

It is my finding that the applicant has established the full amount listed above.

The applicant has shown that the tenant has failed to pay rent for the months of June 2012, July 2012, & August 2012.

The applicant has also shown that the tenant has failed to pay the water bills for the rental unit as listed above.

The applicant has also shown that there are Bank charges resulting from cheques issued by the tenant that were not honoured.

The applicant has also shown that there is a window that has been broken during the tenancy that will need to be repaired and has supplied an estimate for the repair of that window.

I therefore allow \$10,223.17 of the tenants claim.

The applicant has also shown that a valid Notice to End Tenancy was served on the tenant, and the tenant has not complied with that notice and therefore I allow the request for an Order of Possession.

The applicant had also requested some money for furniture that she sold to the tenant, however this is not a Residential Tenancy matter and I declined jurisdiction over this portion of the claim.

The applicant had also requested an unknown amount for a water bill that will come in after the tenant vacates, however this claim is premature because at this time we do not know what that amount will be.

The applicant was also requesting September 2012 lost rental revenue; however that portion of the claim is also premature because at this time we do not know whether there will be any lost rental revenue for the month of September 2012.

The applicant was also claiming the cost of mailing documents, however, this is a cost of the dispute resolution process and I have no authority to award costs other than the filing fee which I have awarded.

The applicant was also requesting unknown costs for trees, shrubs, and plants damaged due to lack of water, however at this time, this is an unknown amount and therefore I will not issue any monetary order for these items at this time.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have issued a monetary order in the amount of \$10,223.17.

The claim for the final water bill is dismissed with leave to reapply.

The claim for lost rental revenue for the month of September 2012 is dismissed with leave to reapply.

The claim for the cost of mailing documents is dismissed.

The claim for the cost of damage to trees shrubs and plants is dismissed with leave to reapply.

As stated above I declined jurisdiction over the claim for the cost of furniture sold to the tenant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 22, 2012.

Residential Tenancy Branch